



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Memorandum

ACTION: U. S. Department of Transportation

Subject: (DOT) Public Web Site Requirements

Date: **MAY 18 2004**

From: Daniel P. Matthews, DOT Chief Information Officer
Jeffrey Rosen, General Counsel
David J. Litman, Senior Procurement Executive *DL*

Reply to
Attn. of:

To: Heads of Operating Administrations
Departmental Officers
Chief Information Officers
OA Procurement and Contracting Officers

Purpose

The purpose of this memorandum is to request your support in meeting the Web site requirements of Section 208 of the E-Government Act of 2002 when designing/developing public Web sites using both internal and external resources. Meeting the privacy requirements of the E-Government Act of 2002 is a responsibility shared by every Operating Administration (OA).

Background

Effective April 17, 2003, Federal Government agencies must comply with privacy provisions in Section 208 of the E-Government Act of 2002, Pub. L. 107-347, 116 Stat. 2899. Additionally, OMB has issued guidance to agencies on the implementation of these provisions. The most recent OMB memorandum on the subject (M03-22) can be found at <http://www.whitehouse.gov/omb/memoranda/m03-22.html>.

Among other components, Section 208 of the Act contains privacy requirements specific to public Web sites. *Public* is defined as any Web site that is accessed by individuals who are not federal government employees or contractors. The existence or absence of password protection for a Web site does not affect its status as public or non-public.

DOT Public Websites Privacy and Procurement Requirements

To ensure that DOT public Web sites meet or exceed the E-Government Act and OMB privacy standards, personnel designing, developing, substantially modifying or generating contract requirements (e.g., in Statements of Work (SOW)) for public DOT Web sites, shall:

1. Provide your OA Privacy Officer and Privacy Lawyer (see attachment for contact information) with:
 - The Uniform Resource Locator (URL) for the public Web site in question.
 - The information the Web site collects from the public.
 - The information the Web site automatically collects about the visitor and his or her session.
 - How the Web site collects, uses, shares, stores, safeguards, accesses, and destroys data.
2. Follow the privacy requirements of the E-Government Act when designing, developing or substantially modifying a public Web site, including:
 - Posting a Privacy Policy, labeled “Privacy Policy,” using the DOT Privacy Policy template as a basis.
 - A link to the Privacy Policy, using links labeled “Privacy Policy,” at a minimum on all main entry points to the Web sites and all pages that collect personal information. Though not required, for ease of maintenance, it is recommended that a link to the Privacy Policy be included on the header or footer of every Web page.
 - Carefully comparing actual practices against statements in the Privacy Policy. The Privacy Policy is a public promise of practices, and all statements must be accurate, with no exceptions.
 - Using only session cookies, if needed. Persistent cookies are prohibited, except with special permission from DOT executive management. If a Web site requires one or more persistent cookies, contact your OA Privacy Officer for assistance.
 - Working with your OA Privacy Officer to create and post an XML translation of the posted Privacy Policy, following W3C P3P standards. DOT has resources to assist with this process. Contact your OA Privacy Officer for details.
3. Ensure that, when contracting for work on a DOT public Web site, the following language is included in procurement requests, normally as part of the SOW, transmitted to the contracting office for processing:

“The contractor shall ensure that the public Web site conforms to the privacy requirements of the E-Government Act of 2002. This includes ensuring the Web site:

- *Uses only session cookies and no persistent cookies or other persistent tracking devices.*
- *Posts a Privacy Policy, labeled “Privacy Policy,” in accordance with the DOT template and modified according to actual Web site practices.*

- *Provides a line, labeled "Privacy Policy" and linked to the Privacy Policy on all pages that collect personal information and that are major entry points to the Web sites (e.g., home page).*
- *Posts an accurate and complete XML translation of the Privacy Policy, according to W3C P3P standards.*

"Scans or other verification techniques may be used by the Government to ensure the above requirements are met."

If you have any procurement-related questions, please contact Rita Williams at 202-366-9956. For questions concerning privacy and E-Government Act requirements, contact Yvonne Coates at 202-366-6964.

Attachment

cc: OA Privacy Officers
OA Privacy Attorneys

DOT PRIVACY OFFICERS

OPERATING ADMINISTRATION	NAME	TELEPHONE	MAILING ADDRESS
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